



## ***Planning Commission Meeting Minutes***

DATE: November 30, 2010

APPROVED BY:

A handwritten signature in blue ink, appearing to read "JP", is placed over a light gray rectangular background.

### **MINUTES OF THE LAKE COUNTY PLANNING COMMISSION November 30, 2010**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Pesec called the meeting to order at 7:05 p.m.

#### **ROLL CALL**

The following members were present: Messrs. Adams, Brotzman, Morse, Schaedlich, Siegel, Smith (Alt. for Sines), Troy, Welch (alt. for Aufuldish), and Mmes. Hausch and Pesec. Staff present: Messrs. Boyd, Radachy, and Ms. Myers.

#### **MINUTES**

Mr. Schaedlich presented the following changes:

- Page 1: "\$100.000.00" should be \$100,000.00 and general fund should be capitalized in the last sentence of the last paragraph.
- Page 3: The last word in the second paragraph should be hyphenated as R-4. In the second paragraph under Subdivision Activity Report, Caribou Lane should be Karaboo Trail.
- Page 4: Add farm fence in last sentence on the page.
- Page 9: Under Old Business, Perry Township, "Canyonview Drive", Canyon View should be two words and he gave the addresses and subplot numbers for the French and Cunningham sublots. In the middle of that paragraph, "no where" should be "nowhere".

Mr. Schaedlich moved and Mr. Siegel seconded the motion to approve the October 26, 2010 minutes with the changes stated above.

Nine voted "Aye".  
One abstained.

## FINANCIAL REPORT

Mr. Boyd stated that we were watching our spending, especially on accounts 611, Materials and Supplies and 661, Contractual Services and it looks as though we may have a small amount of unexpended funds. On the revenue side, we will be receiving another check for about \$30,000.00 from the Balanced Growth Initiative grant in December or early January.

Mr. Morse moved to approve the financial report for October, 2010 as submitted. Ms. Hausch seconded the motion.

All voted "Aye".

## PUBLIC COMMENT

There was no public comment.

## LEGAL REPORT

There was no legal report.

## DIRECTOR'S REPORT

Mr. Boyd stated that the vast amount of his time is being spent on Federal grant work, shifting from NSP to CDBG this month. Dave Radachy is continuing to work with Fairport Harbor on their new waterfront (Grand River) zoning district on a contract basis. Mr. Boyd had met with the Madison group on the Balanced Growth Initiative (BGI) and he will be meeting with the Painesville Township Trustees next week.

On the Coastal Plan side, Madison Township Park is moving ahead on their small breakwater beach on Hubbard Road. He informed the members of a potential problem that came up on the Army Corps of Engineers permit. They added a comment, probably in light of the North Perry Village situation, that the applicant needed to have enough funding available in case the project does not work in order to be able to tear it down. He and Mr. John Loftus are trying to get a meeting with the Colonel at the Buffalo District. There is concern that any future coastal development with offshore protection will have similar stipulations and that this may shut down our local coastal initiative. ODNR looks at the structure permit itself and the Army Corps of Engineers looks at the effect the development would have on water quality, such as no construction in the spring because of fish spawning, etc. Mr. Boyd stated he understood the need for the regulations, but this last stipulation that has never been seen by ODNR in Sandusky before.

Mr. Troy asked if Mr. Boyd had contacted Congressman LaTourette's office about the irrationality of some of these stipulations and/or the inability to get a meeting with the

people in Buffalo concerning these problems. Mr. Boyd replied that he and Mr. Loftus had met with Mr. DiSanto a couple weeks ago on the North Perry Village situation. This letter about the Corps stipulation came in since then and they had started reaching out last week. Mr. Troy suggested speaking directly to the Congressman. He also questioned, if for some reason Madison does not want to proceed because of these drawbacks, to see if it was possible to transfer some of funds not being spent in Madison to one of the other areas that received part of this funding? Mr. Boyd did not know and will check into this if there are any unused funds.

The Chair was concerned about 90% of the Director's time being spent on CDBG and NSP work. Mr. Boyd said they were in "catch up mode". Mr. Troy confirmed the need to catch up on reports and records not done by his predecessor. He pointed out that any of the hours that are being put into this is saving the Planning Commission budget money because of the allowance for administrative expenses from the CDBG and NSP money. The Planning Commission budget is not being used for these programs.

Mr. Radachy commented that Fairport Harbor Village requested that the staff look at other parts of their zoning code. He discussed with the Administrator the possibility of renegotiating the contract to increase the amount of time that we could bill. The maximum set by the contract is four hours per month and he is hoping to increase the maximum to eight or ten hours monthly.

#### ANNOUNCEMENT

Mr. Boyd announced that Mr. Scharver from the Lake County Soil and Water Conservation District had resigned from his position and asked for approval to write a letter of appreciation for the time and effort he extended by attending our meetings and working closely with us on new subdivisions. It was the consensus of the members to have Mr. Boyd write a letter of appreciation on behalf of the Planning Commission and staff.

He also stated that the December meeting would be in two weeks. He asked for permission to move up the December meeting time because there is only one agenda item at this time and he needed to go to Columbus for a meeting either that night or early the following morning. The members discussed meeting at 5:00 p.m.

Ms. Hausch moved to start the December 14, 2010 meeting at 5:00 p.m. and Mr. Schaedlich seconded the motion.

All voted "Aye".

## SUBDIVISION REVIEW

### Concord Township – Summerwood Subdivision, Phase 2 Sanitary Sewer, Maintenance Period Considered Fulfilled

Mr. Radachy said the developers of Summerwood Subdivision, Phase 2 are requesting to have their maintenance period considered fulfilled. In tonight's package there is a letter from Mr. Rothlisberger, Deputy Sanitary Engineer, recommending that they go into maintenance and provide a bond dated June 26, 2007. There is also a comment sheet stating the three-year maintenance period had been fulfilled because Utilities had been holding a construction surety for the past three years. The sanitary sewers are functioning well.

Mr. Schaedlich moved to accept the maintenance period as being fulfilled for Summerwood Subdivision, Phase 2 in Concord Township and Ms. Hausch seconded the motion.

All voted "Aye".

The Chair was concerned that this type of request was being asked of the Commission too often. Mr. Boyd stated this is one of the punch list items on which we are currently working. On future applications, we will have a contract with the developer and bonds will be required from the developer. Mr. Radachy stated one thing that has changed but not used yet is that the surety form actually states that it can be turned into a maintenance surety if a bond hasn't been submitted within a certain period of time which, once in use, should help keep this type of request from coming before this Commission.

### Subdivision Activity Report

Mr. Radachy reported the following subdivision activity in October, 2010:

- Letters from the County Prosecutor were sent to Madison Meadows, Phase 1 and Kimball Estates 2, Phase 1 on November 3, 2010 outlining items needed to be taken care of or they will take action towards taking said funds on their maintenance and/or construction sureties.
- Cambden Creek, Phase 2 should go to the Commissioners soon. They are still lacking the actual pins in the monument boxes and need to amend their homeowners' association before final approvals.
- Commons of Concord, off Crile Road, south of the Gristmill Shopping Center, is exploring the possibility of reducing the number of sublots from six to five because they decided not to take down one side of the building in their subdivision as originally planned. Staff informed their engineers that this action would require a resubmission of the final plat.

## LAND USE AND ZONING REVIEW

### Leroy Township – Proposed Zoning Text Amendment to Section 17, Business B-1

Mr. Radachy stated that Leroy Township submitted two zoning text amendments for recommendation. The first has changes to Section 17, B-1 Business. Staff and the Land Use and Zoning Committee recommended the following:

1. Changing all references of R to R-1 and R-2 and all references of B to B-1.
2. Allow roadside stands as accessory uses and provide requirements for them. Currently ORC 519.21 allows roadside stands in any zoning district and allows the Township to have requirements for them.
3. Allow small wind farms and solar panels as accessory uses and reference Section 33.
4. Add landscaping standards to Section 26. Move “Minimum Landscaped Open Space” requirement of 20% from Section 17.02 to Section 26 as part of the landscaping standards.
5. Have a reference to Section 26, Screening and Landscaping.
6. Have a standard parking setback from the right-of-way line or landscaping area instead of the 20% of the front setback requirement. Currently, both Sections 18 (I) and 29 (B-2) require 20 feet. Twenty feet from the right-of-way line or eight feet from the edge of the landscape area, whichever is greater, is recommended. Staff felt that the 20% requirement was confusing and the I District only requires 20 feet from the setback.
7. It is recommended that the B-1, B-2 and I be combined into one section with all the permitted uses, accessory uses and design standards.

Mr. Siegel moved to recommend approval of the Leroy Township text amendments to Section 17, Business B-1 with the staff and Land Use and Zoning’s suggestions. Mr. Schaedlich seconded the motion.

All voted “Aye”.

### Leroy Township – Proposed Zoning Text Amendment to Section 18, Industrial I

Mr. Radachy presented the text changes submitted by Leroy Township for review on Section 18, Industrial I. The following were the recommended changes made by the staff and the Land Use and Zoning Committee from the submission:

1. Changing all references of R to R-1 and R-2 and all references of B to B-1.
2. Allow roadside stands as accessory uses and provide requirements for them. Currently ORC 519.21 allows roadside stands in any zoning district and allows the Township to have requirements for them.
3. Allow small wind farms and solar panels as accessory uses and reference Section 33.
4. Add landscaping standards to Section 26.
5. Have a reference to Section 26, Screening and Landscaping.

6. Have a standard parking setback from the right-of-way line or landscaping area instead of the 20% of the front setback requirement. Currently both Sections 18 (I) and 29 (B-2) require twenty feet. Twenty feet from the right-of-way line or eight feet from the edge of the landscape area, whichever is greater, is recommended.
7. It is recommended that the B-1, B-2 and I be combined into one section with all the permitted uses, accessory uses and design standards.

Mr. Siegel moved to recommend approval of the Leroy Township text changes to include the suggestions of the staff and Land Use and Zoning. Mr. Schaedlich seconded the motion.

All voted "Aye".

#### REPORTS OF SPECIAL COMMITTEES

##### Landscape and Regulations Committee

Ms. Pesec stated that the Landscape and Regulations Committee met before this Commission meeting and asked Mr. Radachy to report on the meeting. Mr. Andy Sparks has been asked to join this Committee. Mr. Radachy said the Landscape Committee was initially formed to create model regulations for the townships and the local communities to use. They decided to change their purpose to produce more of a technical guide on zoning, site selection, soils, climates, and anything else that needs to go into creating a good landscaping code and how to administer said code. It is more of an educational tool as opposed to the standard model regulations. This Committee will meet again on January 25, 2011 prior to the Planning Commission meeting.

#### CORRESPONDENCE

There was no correspondence.

#### OLD BUSINESS

There was no old business.

#### NEW BUSINESS

There was no new business.

#### PUBLIC COMMENT

There was no public comment.

## ADJOURNMENT

Mr. Siegel moved to adjourn the November 30, 2010 meeting and Mr. Schaedlich seconded the motion.

All voted "Aye".

The meeting adjourned at 7:33 p.m.